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Montserrat

Working paper prepared by the Secretariat

Contents

		Page
	The Territory at a glance	3
I.	Constitutional, legal and political issues	4
II.	Budget	5
III.	Economic conditions	5
	A. General	5
	B. Agriculture and fisheries	5
	C. Financial services	5
	D. Tourism	6
	E. Construction	6
	F. Utilities and communication	6
IV.	Social conditions	7
	A. General	7
	B. Labour	7

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 11 January 2016. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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C. Education 8
D. Public health 8
E. Crime and public safety 9
F. Human rights 9
V. Environment and volcanic activity 9
VI. Relations with international organizations and partners 10
VII. Future status of the Territory 10
A. Position of the territorial Government 10
B. Position of the administering Power 10
VIII. Action taken by the General Assembly 11

The Territory at a glance

Territory: Montserrat is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Elizabeth Carriere (since August 2015)

Geography: situated in the Leeward Islands in the eastern Caribbean, 43 km south-west of Antigua and 64 km north-west of Guadeloupe. The entire island is volcanic. In July 1995, the Soufrière Hills volcano, which had been dormant for more than 400 years, erupted with devastating effects, including the destruction of the capital, causing the evacuation and relocation of about 70 per cent of the population from the southern part of the island. The effects of that eruption and subsequent lighter volcanic activity are still being felt.

Land area: 103 km²

Exclusive economic zone: 7,582 km²

Population: 5,000 (2012 estimate)

Life expectancy at birth: 74.14 years (men: 75.64 years, women: 72.57 years (2015 estimate))

Language: English

Capital: Plymouth, abandoned in 1997 following the volcanic eruption. A new urban centre is being developed at Little Bay, on the north-west coast of the island.

Head of territorial Government: Premier Donaldson Romeo (September 2014)

Main political parties: People's Democratic Movement; Movement for Change and Prosperity

Elections: most recent: September 2014; next: due in September 2019

Gross domestic product per capita: $9,500 (2013 estimate)

Economy: financial services, investments, construction

Main trading partners: Canada, Japan, Trinidad and Tobago, United States of America

Unemployment rate: 6.5 per cent (2013 estimate)

Monetary unit: East Caribbean dollar, pegged to the United States dollar (EC$ 2.70 equals $1)

Brief history: Columbus named Montserrat after a monastery near Barcelona in Spain. The first European settlers, mostly Irish, arrived in 1632. The island later became a haven for indentured Irish servants transported to the British West Indies. A major slave uprising occurred on St. Patrick's Day in 1768. In the eighteenth century, Montserrat was intermittently occupied by France, prior to its confirmation as a British Territory in 1783. It became a British Crown Colony in 1871. Following the break-up of the Federation of the West Indies in 1962, Montserrat opted for Crown Colony status rather than associated statehood.

I. Constitutional, legal and political issues

1. Under the Montserrat Constitution Order 2010, which entered into force in September 2011, Montserrat has a governor appointed by the British Crown, a Cabinet and a legislative assembly. The current Governor took office in August 2015. She is responsible for internal security (including the police), external affairs, defence, public service and the regulation of international financial services. Under the Constitution, the British Crown reserves the power, with the advice of the Privy Council of the United Kingdom of Great Britain and Northern Ireland, to make laws for the peace, order and good government of Montserrat.

2. The Cabinet consists of the Premier, three other ministers and, in an ex officio capacity, the Attorney General and the Financial Secretary. The Deputy Governor, a Montserratian appointed by the Governor, may attend meetings, but does not have the right to vote. The Cabinet is presided over by the Governor, who does not have the right to vote within the Cabinet and is responsible for the general control and direction of the Government and is collectively responsible to the legislature.

3. The Legislative Assembly consists of nine elected members and two ex officio members, the Attorney General and the Financial Secretary. Elections are normally held in Montserrat every five years on the basis of universal adult suffrage. In the most recent elections, held in September 2014, the Movement for Change and Prosperity, which had formed the previous Government, was defeated and the newly formed People's Democratic Movement, headed by Donaldson Romeo, won seven of the nine seats in the Assembly. In September 2014, Mr. Romeo became the Premier of Montserrat.

4. The law of Montserrat comprises primarily legislation enacted by the legislature of Montserrat, certain acts of Parliament of the United Kingdom extended to Montserrat, orders in council made by the British Crown in the Privy Council and English common law. Montserrat falls under the jurisdiction of the Eastern Caribbean Supreme Court (High Court and Court of Appeal). The Court of Appeal is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among its nine members, including Montserrat. The final court of appeal for civil and criminal matters is the Judicial Committee of the Privy Council. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. As previously reported, the then Premier of Montserrat, addressing the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, stated that Montserrat was a fully internally self-governing Territory where all executive decisions were made by the local Cabinet of Ministers. He further stated that there was no public interest whatsoever in separating from the United Kingdom. The continuing relationship with the United Kingdom was one made by free choice and the people of the island did not see themselves as being a colonized people. He recommended that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples remove Montserrat from its decolonization discussions.

II. Budget

6. According to the administering Power, the public sector in Montserrat continues to be dependent on budgetary aid from the United Kingdom, which is expected to contribute 56 per cent of the recurrent budget in fiscal year 2015/16, with the remainder to be met by domestic revenue. According to the 2015/16 budget statement of the territorial Government, the 2015/16 budget amounted to EC$ 127.4 million in recurrent expenditure. In addition to the above-mentioned contribution to the recurrent budget, the United Kingdom made available approximately EC$ 20 million to support capital projects for 2015/16.

7. Individual residents are taxed on their worldwide income from all sources. Tax is also levied on the chargeable income paid by any incorporated company, building society or body of persons. While companies pay tax of 30 per cent on profits, there is no capital gains tax.

8. According to the administering Power, the Territory benefits from an allocation of approximately €16 million under the tenth European Development Fund and €18.4 million under the eleventh European Development Fund.

III. Economic conditions

A. General

9. According to official statistics, economic growth has continued to be modest, estimated at 0.82 per cent in 2014/15, compared with 0.87 per cent in 2013/14. According to the administering Power, real gross domestic product (GDP) for 2013 was EC$162.2 million. GDP growth in 2015/16 is expected to be in the region of 2 per cent. For its part, the United Kingdom continued to support the Montserrat Development Corporation in recognition of its role as a facilitator and project manager for supporting foreign and local private investment in pursuit of sustainable socioeconomic development.

B. Agriculture and fisheries

10. As a result of ongoing volcanic activity, most fertile agricultural land, pasture and fishing areas continue to be either restricted or inaccessible. In recent years, however, agricultural crop, fish and livestock production has reportedly increased.

11. In recent years, the territorial Government continued to focus on agriculture as a key area in which to build its self-reliance policy. Initiatives included employment opportunities and greater local production, notably by establishing backyard gardens and increasing the acreage devoted to cultivation. According to the administering Power, the drought in 2015 had a negative impact on crop production.

C. Financial services

12. Montserrat is a member of the Eastern Caribbean Central Bank, which acts as the central bank for the Territory and is part of the Eastern Caribbean Securities Exchange and the Caribbean Financial Action Task Force, the body that monitors

anti-money-laundering activities and works to counter the financing of terrorism in the region. There are various banking facilities, including two commercial entities (the Bank of Montserrat and the Royal Bank of Canada) and several international banks. There is also a credit union in the Territory and a building society.

13. In 2015, the territorial Government continued to enhance corporate governance of the international financial services industry, in cooperation with the Territory's Financial Services Commission, to regulate international banks, insurance companies, money service providers and cooperative societies.

14. In the communiqué adopted at the fourth meeting of the Overseas Territories Joint Ministerial Council, held in London on 1 and 2 December 2015, all overseas territories with financial services, including Montserrat, confirmed their full commitment to international cooperation in tax matters and to the fight against money-laundering, tax evasion, illicit finances and corruption. According to the administering Power, the territorial Government announced its intention to introduce a public central register of company beneficial ownership.

D. Tourism

15. The redevelopment of the tourism industry, which was the main contributor to GDP prior to the volcanic eruption in 1995, continues to be a priority for the territorial Government. As previously reported, an improved ferry service with greater capacity was launched in December 2013. The ferry makes the trip between Montserrat and Antigua in about an hour, enabling Montserrat to market itself more effectively as a day-trip destination. According to the administering Power, total visitor arrivals in 2014 numbered 10,553 (8,804 tourists and 1,749 other visitors, including those on business). According to the administering Power, efforts have been made to attract cruise ships to the island and escorted tours to the abandoned capital, Plymouth.

E. Construction

16. The physical development plan for the period 2013-2022 maps out the Government's vision for developing the northern portion of the Territory and provides a framework to help to meet the objectives set out in the sustainable development plan, addressing issues such as land availability, limited resources and infrastructure development.

F. Utilities and communication

17. A private company, Montserrat Utilities Ltd., distributes water and electricity in the Territory. According to the administering Power, the entire population enjoys access to the Territory's plentiful supply of good potable water and about 98 per cent of residents are connected to the water system. The water section of the company also has responsibility over the sewage treatment in some areas, notably Lookout and Davy Hill.

18. For its part, the territorial Government continued in 2015 to promote the development of a national energy policy, moving away from inefficient containerized high-speed diesel generators. According to the administering Power, it is expected

that sufficient geothermal energy resources will eventually be made available to meet the demand for electricity in the Territory.

19. In addition to the aforementioned enhanced ferry service, Montserrat and Antigua and Barbuda are also connected by scheduled and charter air services operated by two companies. Montserrat is a member of the Eastern Caribbean Civil Aviation Authority and of Air Safety Support International, which regulates the Territory's airspace.

20. E-mail is widely used and digital subscriber lines have been introduced. In 2015, the territorial Government continued to explore the possibility of establishing a fibre-optic link to the Territory from abroad.

IV. Social conditions

A. General

21. The volcanic crisis has had a profound effect on traditional social structures and support systems in the Territory. Many families and communities have been split up and relocated to various parts of the world. According to the administering Power, social welfare services in Montserrat continue to include monthly financial assistance, rental assistance and one-time assistance for basic items. According to the administering Power, the United Kingdom and the United Nations Children's Fund (UNICEF) continue to support the development of more integrated delivery of social services in Montserrat. In 2015, agreements with UNICEF were signed to enable a review of the Social Welfare Act and a child and gender fiscal space analysis, to improve the targeting of resources to the most vulnerable.

B. Labour

22. According to the administering Power, the working population of Montserrat comprises about 2,700 persons, approximately 71 per cent of whom are Montserratians. Labour relations are governed by the Employment Act and the Labour Code (both revised in 2012), under which the Department of Labour provides mediation and conciliation services, with the Labour Tribunal settling disputes.

23. The Labour Code, as revised in 2012, sets out minimum conditions of employment and establishes the procedures for the settlement of labour disputes, providing for equality of treatment in employment, irrespective of an employee's race, colour, sex, religious belief, ethnic origin, nationality, political opinion or affiliation, disability, family responsibility, pregnancy, marital status or age. According to the administering Power, in 2015, the Department of Labour submitted recommendations to the Attorney General for the review and update of technical regulations associated with the Labour Code and the territorial Government reconstituted the Labour Advisory Board, which provides advice on the desirability of establishing a national minimum wage. In 2015, the territorial Government continued to address the entrenched shortage of skilled labour by providing relocation incentives to Montserratians and granting work permits to non-Montserratians in order to meet the demand for professional and other skilled labour. The granting of work permits is covered under the Immigration Act 2002.

C. Education

24. Montserrat has educational infrastructure and services that provide full access to primary and secondary education. Compulsory education starts at age 5 and continues until age 16. According to the territorial Government, in 2015, two out of four of the primary schools and the only secondary school are public; 57 pupils graduated from the secondary school in 2015.

25. The Education Development Plan 2012-2020 guides the Ministry of Education in providing for early childhood, primary, secondary and post-secondary education, in addition to special needs, teacher training and education support services. There are several government day-care facilities and nursery schools and a privately owned early childhood facility. According to the administering Power, in 2015, a child safeguarding review was completed and made a number of recommendations for enhanced inter-agency coordination in order to better protect children. A child abuse protocol has been developed which, once approved, is expected to form the basis for the strengthened coordination recommended in the review.

26. The Montserrat Community College in Salem offers advanced academic courses for students between 16 and 18 years of age, in addition to nursing education and some technical skills courses. The University of the West Indies maintains an extramural department adjacent to the Community College. Postgraduate college students can study for a variety of long-distance degrees from the University.

27. Citizens from overseas territories enjoy the home student fee rate at British universities. In 2015, one student from Montserrat was awarded a Chevening scholarship to study in the United Kingdom. In addition, in accordance with the November 2013 decision of the Council of the European Union on the association of the overseas countries, the European Union provides access to, among others, horizontal European Union funds, such as those for higher education and vocational education.

D. Public health

28. The Ministry of Health is responsible for providing primary and secondary health services, environmental health services and foster care, in addition to health-related policy advice in areas such as general medical care and surgical care, diagnostic testing, eye and ear care and medication. The territorial Government offers free emergency dental services for school-age children, the elderly, pregnant women and government staff, in addition to providing highly specialized health services through arrangements for a number of specialists to visit the Territory. At the same time, arrangements are in place for emergency medical evacuation to Antigua and Barbuda and Guadeloupe.

29. The Territory's health facilities include the 30-bed Glendon Hospital in St. Johns in the north, which is able to cover all routine health issues, X-rays and minor operations, in addition to several primary care clinics. According to the administering Power, public consultations on the potential sites for the construction of new hospital facilities are ongoing, with the aim of completing the business case by August 2016.

E. Crime and public safety

30. Under a five-year strategy, the Royal Montserrat Police Service is focusing on neighbourhood and intelligence-led policing, crime reduction and prevention, and partnership in the criminal justice system. According to the administering Power, Montserrat has a very low crime rate compared with the rest of the Caribbean.

31. The United Kingdom funds a law enforcement adviser based in Miami, United States of America, who coordinates, manages and facilitates training and strategic advice on introducing new techniques and skills for the Territory's law enforcement agencies. Furthermore in 2015, the *HMS Severn* and *RFA Lyme Bay* were on patrol in the Caribbean and the North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management and security agencies.

F. Human rights

32. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual. Major international and European human rights instruments have been extended to Montserrat.

33. For its part, the Territory's Human Rights Committee, established in 2005, helps to fulfil the Territory's reporting requirements under various international conventions, monitors the implementation of the conventions and advises the Government on matters relating to human rights. The Status of Children Act 2012, which entered into force in 2013, abolishes the legal distinction made between the status of children born within and outside marriage.

V. Environment and volcanic activity

34. Following the eruption of the Soufrière Hills volcano in 1995, an exclusion zone comprising roughly the southern two thirds of the island was established. Since the last major eruptive activity in February 2010, the volcano has been quiet and some relaxations in access to Zone C which is part of the exclusion zone, were made in 2014, allowing 24-hour access to some areas. Work also continued on repairs to bridges, roads and culverts that had been washed away by flooding and landslides caused by Hurricane Earl in 2010.

35. According to the administering Power, Montserrat has a clearly defined institutional framework for disaster response, which in 2013 was tested in an exercise called Operation Green Flash. A national hurricane plan, which was produced in 2013 and is revised annually, outlines the major tasks to be undertaken by the Territory's agencies, ministries or departments as part of the national emergency management system in planning for and responding to tropical weather systems.

VI. Relations with international organizations and partners

36. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. According to the administering Power, the Territory continues to maintain a bilateral dialogue with the International Monetary Fund, involving the Territory's public sector, banking, business and union representatives.

37. Montserrat is a founding member of both the Caribbean Community (CARICOM) and the Organisation of Eastern Caribbean States (OECS) and a member of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank, in addition to the OECS Assembly, which was established in 2012 under the Revised Treaty of Basseterre to support the legislative work of OECS. Moreover, the Territory has observer status with the Caribbean Financial Action Task Force and is a member of the Caribbean Regional Fisheries Mechanism.

38. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. The Territory is a partner under the above-mentioned decision of the Council of the European Union, which, according to the administrative Power, was approved, among other things, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

VII. Future status of the Territory

A. Position of the territorial Government

39. Information on the position of the territorial Government regarding the future status of Montserrat is set out in section I above.

B. Position of the administering Power

40. On 15 October 2015, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) during the seventieth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each territory to choose to remain British. The Government of the United Kingdom and its territories recognized that their relationship brought mutual benefits and responsibilities.

41. He went on to say that, since the publication in June 2012 by the Government of the United Kingdom of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had worked closely with its territories to further develop those partnerships. His Government had consolidated the annual meeting with the leaders of territories into a Joint Ministerial Council, with a clear mandate to review and implement the strategy and commitments set forth in the paper. His Government's fundamental responsibility and objective under

international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their people.

42. At the fourth meeting of the Overseas Territories Joint Ministerial Council, held in London on 1 and 2 December 2015, the United Kingdom and overseas territory leaders agreed upon a communiqué setting out, among other things, the joint position of the United Kingdom and the overseas territories on self-determination. In the communiqué, the political leaders and representatives stated that leaders of the overseas territories were democratically elected by the people of the Territories and were accountable to them and that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations, applied to the peoples of the overseas territories. They reaffirmed the importance of promoting the right of the peoples of the territories to self-determination, a collective responsibility of all parts of the Government of the United Kingdom. They committed to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims and agreed that the fundamental structure of their constitutional relationships had been the right one — powers had been devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining those powers necessary to discharge its sovereign responsibilities — while agreeing to the need to review the effectiveness of constitutional arrangements over time.

VIII. Action taken by the General Assembly

43. On 9 December 2015, the General Assembly adopted, without a vote, resolutions 70/102 A and B, on the basis of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2015 (A/70/23) and on the subsequent recommendation by the Fourth Committee. Section VII of resolution B concerns Montserrat. In that section, the General Assembly:

(a) Recalled the 2011 Constitution of Montserrat and the work of the territorial Government with respect to moving forward to consolidate the gains provided for in the Constitution;

(b) Requested the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(c) Welcomed the Territory's participation in the work of the Organisation of Eastern Caribbean States and the Economic Commission for Latin America and the Caribbean;

(d) Called upon the administering Power, specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.